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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,643	04/15/2004	Paul Moroz	071469-0306094	7681

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

KACKAR, RAM N

ART UNIT PAPER NUMBER

1763

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/824,643	Applicant(s) MOROZ, PAUL	
	Examiner Ram N. Kackar	Art Unit 1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 July 2006.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
 - 4a) Of the above claim(s) 25-31 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/17/05.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Claims 1-24 drawn to an apparatus in the reply filed on 7/7/2006 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-13, 15, 18 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Reginald Hunter (US 6026896).**

Reginald Hunter discloses a system for controlling the temperature of multiple components in a processing chamber including substrate holding surface (Col 1 lines 49-54) by circulating heat transfer fluid (Fig 3), first fluid unit and second fluid unit (18 and 54) which could be heated or chilled (Abstract) and where the temperature control is obtained by controlling in a PID feed back loop, the flow of these fluid units controlled and arranged at different temperature (Col 1 line 61-Col 2 line11, Fig 3, Col 3 lines 22-26) while using temperature sensors (Fig 1-36). The use of such a temperature control device is in a processing chamber using CVD, PVD, plasma etching and other processing.

4. **Claims 1-5, 9-11, 14-16 and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaper et al (US 5802856).**

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Schaper et al discloses a system for controlling the temperature of a substrate holding surface (Fig 3 and abstract) by circulating heat transfer fluid from plurality of fluid units (64, 66, 68) which could be heated or cooled and where the temperature control is obtained by controlling in a feed back loop, the flow of these fluid units controlled and arranged at different temperature using controller and sensors (Abstract, Fig 5 and 46, 48, 50, 52). Schaper et al further teach finer control of temperature using thermoelectric modules (Abstract). The substrate-holding surface could hold the substrate by electrostatic chuck or vacuum (Col 4 lines 35-40).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 12-14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reginald Hunter (US 6026896) in view of Kanno et al (US Pub 2003/0164226).**

Reginald Hunter as discussed above discloses the use of such a temperature control device in a processing chamber using CVD, PVD and plasma etching but does not explicitly disclose vacuum, RF and lift pins which are normally used in automated processing of semiconductor wafers as disclosed explicitly by Kanno et al (Fig 1- Fig 20).

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Therefore using the disclosed temperature control device in an apparatus like disclosed by Kanno et al would have been obvious for precise and uniform temperature control of the substrate for process control and optimization.

7. Claims 6-8 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Reginald Hunter (US 6026896) in view of Shultz et al (US 4060997).

Subject matter of these claims is inherent in the device disclosed by Reginald Hunter, nevertheless Shultz et al disclose a chiller with temperature sensors and fluid level sensors to keep the fluid replenished at constant level for the proper functioning of the heat exchangers. (See Fig 1 and its description).

Therefore subject matter of these claims would have been obvious to one of ordinary skill in the art at the time of invention in order to ensure proper functioning of the heat exchangers.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. EPO Pub 0399676 further discloses a temperature control arrangement by using two heat exchangers arranged at different temperature.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram N. Kackar whose telephone number is 571 272 1436. The examiner can normally be reached on M-F 8:00 A.M to 5:P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571 272 1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ram Kackar

Primary Examiner AU 1763